

07-16-01

A/Box Sec

**UTILITY PATENT APPLICATION TRANSMITTAL
(Large Entity)**

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Docket No.
D2973

Total Pages in this Submission

TO THE ASSISTANT COMMISSIONER FOR PATENTSBox Patent Application
Washington, D.C. 20231

Transmitted herewith for filing under 35 U.S.C. 111(a) and 37 C.F.R. 1.53(b) is a new utility patent application for an invention entitled:

**USE OF ANTIMICROBIAL PEPTIDES AS PRESERVATIVES IN OPHTHALMIC PREPARATIONS,
INCLUDING SOLUTIONS, EMULSIONS, AND SUSPENSIONS**

and invented by:

Robert T. Lyons

J1036 U.S. PTO
09/904753
07/13/01If a **CONTINUATION APPLICATION**, check appropriate box and supply the requisite information:☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: _____

Which is a:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: _____

Which is a:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: _____

Enclosed are:

Application Elements

1. ☒ Filing fee as calculated and transmitted as described below
2. ☒ Specification having 34 pages and including the following:
 - a. ☒ Descriptive Title of the Invention
 - b. ☐ Cross References to Related Applications (if applicable)
 - c. ☐ Statement Regarding Federally-sponsored Research/Development (if applicable)
 - d. ☐ Reference to Microfiche Appendix (if applicable)
 - e. ☒ Background of the Invention
 - f. ☒ Brief Summary of the Invention
 - g. ☐ Brief Description of the Drawings (if drawings filed)
 - h. ☒ Detailed Description
 - i. ☒ Claim(s) as Classified Below
 - j. ☒ Abstract of the Disclosure

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Application Elements (Continued)

3. ☐ Drawing(s) *(when necessary as prescribed by 35 USC 113)*
- a. ☐ Formal Number of Sheets _____
- b. ☐ Informal Number of Sheets _____
4. ☒ Oath or Declaration
- a. ☒ Newly executed *(original or copy)* ☐ Unexecuted
- b. ☐ Copy from a prior application (37 CFR 1.63(d)) *(for continuation/divisional application only)*
- c. ☒ With Power of Attorney ☐ Without Power of Attorney
- d. ☐ DELETION OF INVENTOR(S)
Signed statement attached deleting inventor(s) named in the prior application,
see 37 C.F.R. 1.63(d)(2) and 1.33(b).
5. ☐ Incorporation By Reference *(usable if Box 4b is checked)*
The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under
Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby
incorporated by reference therein.
6. ☐ Computer Program in Microfiche *(Appendix)*
7. ☒ Nucleotide and/or Amino Acid Sequence Submission *(if applicable, all must be included)*
- a. ☒ Paper Copy
- b. ☒ Computer Readable Copy *(identical to computer copy)*
- c. ☒ Statement Verifying Identical Paper and Computer Readable Copy

Accompanying Application Parts

8. ☒ Assignment Papers *(cover sheet & document(s))*
9. ☐ 37 CFR 3.73(B) Statement *(when there is an assignee)*
10. ☐ English Translation Document *(if applicable)*
11. ☐ Information Disclosure Statement/PTO-1449 ☐ Copies of IDS Citations
12. ☒ Preliminary Amendment
13. ☒ Acknowledgment postcard
14. ☒ Certificate of Mailing
- ☐ First Class ☒ Express Mail *(Specify Label No.):* EL608288451US

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Accompanying Application Parts (Continued)

15. ☐ Certified Copy of Priority Document(s) *(if foreign priority is claimed)*
16. ☒ Additional Enclosures *(please identify below):*

Application data sheet

Request That Application Not Be Published Pursuant To 35 U.S.C. 122(b)(2)

17. ☐ Pursuant to 35 U.S.C. 122(b)(2), Applicant hereby requests that this patent application not be published pursuant to 35 U.S.C. 122(b)(1). Applicant hereby certifies that the invention disclosed in this application has not and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing of the application.

Warning

An applicant who makes a request not to publish, but who subsequently files in a foreign country or under a multilateral international agreement specified in 35 U.S.C. 122(b)(2)(B)(i), must notify the Director of such filing not later than 45 days after the date of the filing of such foreign or international application. A failure of the applicant to provide such notice within the prescribed period shall result in the application being regarded as abandoned, unless it is shown to the satisfaction of the Director that the delay in submitting the notice was unintentional.

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D2973

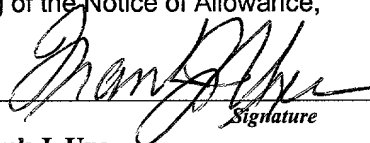
Total Pages in this Submission

Fee Calculation and Transmittal

CLAIMS AS FILED

For	#Filed	#Allowed	#Extra	Rate	Fee
Total Claims	40	- 20 =	20	x \$18.00	\$360.00
Indep. Claims	8	- 3 =	5	x \$80.00	\$400.00
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					\$0.00
BASIC FEE					\$710.00
OTHER FEE (specify purpose) <u>assignment recordation</u>					\$40.00
TOTAL FILING FEE					\$1,510.00

- ☐ A check in the amount of _____ to cover the filing fee is enclosed.
- ☒ The Commissioner is hereby authorized to charge and credit Deposit Account No. **01-0885** as described below. A duplicate copy of this sheet is enclosed.
- ☒ Charge the amount of **\$1,510.00** as filing fee.
- ☒ Credit any overpayment.
- ☒ Charge any additional filing fees required under 37 C.F.R. 1.16 and 1.17.
- ☐ Charge the issue fee set in 37 C.F.R. 1.18 at the mailing of the Notice of Allowance, pursuant to 37 C.F.R. 1.311(b).


Signature

Frank J. Uxa
Reg. No. 25,612
Stout, Uxa, Buyan & Mullins LLP
4 Venture, Suite 300
Irvine, CA 92618
Tel: 949-450-1750

Dated: July 13, 2001

CC:

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application: /
Robert T. Lyon / BOX NEW APP FEE /
Filed: Herewith /
For: USE OF ANTIMICROBIAL PEPTIDES /
AS PRESERVATIVES IN OPHTHALMIC /
PREPARATIONS, INCLUDING SOLUTIONS, /
EMULSIONS, AND SUSPENSIONS /

EXPRESS MAIL MAILING LABEL NO.

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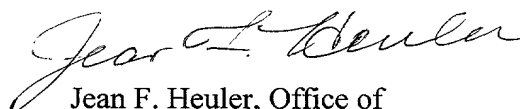
Date of Deposit: **July 13, 2001**

I hereby certify that the following documents as identified below are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under CFR 1.10 on the date indicated above and are addressed to the Commissioner for Patents, Box New App Fee, Washington, D.C. 20231:

1. Transmittal letter;
2. Specification/Claims/Abstract 34 pages;
3. Assignment with recordation cover sheet;
4. Application Data Sheet;
5. Declaration and power of attorney;
6. Preliminary Amendment;
7. Sequence Listing-paper copy;
8. Sequence Listing-Computer Readable Copy
9. Statement Verifying Identical Paper and Computer Readable Copy of Sequence Listing;
10. Return Receipt postcard.

Each of the 10 above-identified documents are enclosed herewith.

Respectfully submitted,



Jean F. Heuler, Office of
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